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March 6, 2023

Honorable Christine M. Gravelle
United States Bankruptcy Court
US Courthouse
402 East State Street
Trenton, NJ 08608

**Re: Assuncao Bros., Inc.
Case No. 22-16159-CMG**

Dear Judge Gravelle:

On behalf of Assuncao Bros., Inc. (the “Debtor”), the debtor and debtor-in-possession in the above-referenced chapter 11, subchapter v case, please accept this letter in support of confirmation of the Debtor’s *Subchapter V Plan Of Reorganization* that was filed on January 30, 2023 (the “Plan”) [D.I. 189]. The confirmation hearing is scheduled for March 7, 2023. Submitted herewith is a proposed form of order confirming the Plan on a consensually basis (the “Proposed Confirmation Order”).

As set forth in the *Certification of Balloting* that was filed on March 2, 2023 [D.I. 209], three classes entitled to vote on the Plan voted to accept the plan, including general unsecured creditors (Class 18), and no class entitled to vote on the Plan voted to reject the Plan. Limited objections to the Plan were filed by the County of Essex, New Jersey [D.I. 204] and the International Union of Operating Engineers Local 825 Benefit Funds [D.I. 207]. Both of the limited objections have been consensually resolved through language included in the Proposed Confirmation Order. The Proposed Confirmation Order also includes language requested by NGM Insurance Company and Vollers Excavating and Contractors, Inc. The Debtor did not receive any other responses or comments to the Plan.¹

Based on the foregoing, it is respectfully submitted that the requirements for consensual confirmation of the Plan have been met pursuant to section 1191(a) and 1129(a) of the Bankruptcy code, and it is respectfully requested that the Proposed Confirmation Order be entered confirming the Plan.

¹ The Proposed Confirmation Order was shared with the Subchapter V Trustee and the United States Trustee. The Subchapter V Trustee had no comments, while the United States Trustee only had a minor comment, which has been incorporated into the Proposed Confirmation Order.



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Respectfully submitted,

/s/Michael R. Herz
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